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DEPARTMENT OF HEALTH & HUMAN SERVICES
Food and Drug Administration
New England District

Food and Drug Administration
One Montvale Avenue
Stoneham, Massachusetts 02180
781.279.1675 FAX: 781.279.1742

May 13, 1998

NWE-10-98W

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harvey E. Baskin, Owner and Sole Proprietor
Harvey Baskin Livestock
131 Hagstrom Road
Woodstock, CT 06281

Dear Mr. Baskin:

An investigation at your livestock operation located at Woodstock, CT, conducted by our investigators on April 14 and 23, 1998, confirmed that you offered an animal for sale for slaughter as food in violation of Sections 402(a)(2)(C)(ii) and 402(a)(4) of the Federal Food, Drug, and Cosmetic Act.

On or about December 9, 1997, you sold a cow, identified [redacted] for slaughter as human food at [redacted] USDA analysis (FSIS Domestic Laboratory Report Ser. No. 373884) of tissue samples collected from this animal identified the presence of 0.86 parts per million (ppm) gentamicin in the kidney of this animal. No specific tolerance has been established for residues of gentamicin in the edible tissues of cattle as specified in Title 21 Code of Federal Regulations (21 CFR), Part 556.300. The presence of this drug in edible tissues from this animal causes the food to be adulterated.

Our investigation also found that you hold animals under conditions which are so inadequate that diseased animals and/or medicated animals bearing potentially harmful residues are likely to enter the food supply. For example, you lack an adequate system for assuring that animals have been treated only with drugs which have been approved for use in those species; for assuring that drugs are not used in a manner contrary to the

directions contained in the labeling; and for assuring that animals medicated by you have been withheld from slaughter for appropriate periods of time to permit depletion of potentially hazardous residues of drugs from edible tissues. Foods from animals held under such conditions are adulterated.

The above is not intended to be an all-inclusive list of violations. As a producer of animals offered for use as food, you are responsible for assuring that your overall operation and the foods you distribute are in compliance with the law. You should take prompt action to correct the above violations and to establish procedures whereby such violations do not recur. Failure to do so may result in regulatory action without further notice such as seizure and/or injunction.

It is not necessary for you to personally ship an adulterated animal in interstate commerce to be responsible for a violation of the Act. The fact that you caused the adulteration of an animal that was sold and subsequently offered for sale to a slaughterhouse that ships in interstate commerce is sufficient to hold you responsible for a violation of the Act.

You should notify this office in writing within 15 working days of the steps you have taken to bring your firm into compliance with the law. Your response should include each step being taken, that has been taken, or will be taken to correct the violations and prevent their recurrence. If corrective action cannot be completed within 15 working days, state the reason for the delay and the time frame within which the corrections will be completed. Please include copies of any available documentation demonstrating that corrections have been made.

You may direct your reply to Mark Lookabaugh, Compliance Officer, Food and Drug Administration, One Montvale Avenue, Stoneham, MA 02180. If you have any questions concerning this matter, please contact Mr. Lookabaugh at 781.279.1675, ext. 118.

Sincerely,

John Marzilli
Director
New England District